

AMENDED IN ASSEMBLY JULY 8, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Constitutional Amendment

No. 21

Introduced by Assembly Member Charles Calderon

April 1, 2009

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 4 1 of Article XVIII thereof, relating to ~~initiatives~~ *constitutional amendments*.

LEGISLATIVE COUNSEL'S DIGEST

ACA 21, as amended, Charles Calderon. Initiatives: constitutional amendments.

The California Constitution gives voters, through the initiative, the power to propose ~~statutes and~~ constitutional amendments and to adopt or reject them. ~~Any proposed initiative measure submitted to the voters becomes effective if it is approved by a majority of votes cast. The Legislature may propose for voter approval an amendment or revision to the Constitution by a $\frac{2}{3}$ vote of each house.~~

This measure would ~~instead require that an amendment to the Constitution proposed by an initiative measure, including any statutory provisions that also are contained in that initiative measure, be approved by $\frac{2}{3}$ of votes cast~~ *authorize the Legislature, by a bill passed by a majority of the membership of each house and enacted into law, to propose for voter approval an amendment to a provision of the Constitution that was added or amended through the initiative process.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 That Section 4 of Article XVIII thereof is amended to read:

8 ~~SEC. 4. An amendment or revision proposed by the Legislature~~
9 ~~shall be submitted to the electors and, if approved by a majority~~
10 ~~of votes thereon, takes effect the day after the election unless the~~
11 ~~measure provides otherwise. Notwithstanding subdivision (a) of~~
12 ~~Section 10 of Article II, an amendment proposed by an initiative~~
13 ~~measure, including any statutory provisions that also are contained~~
14 ~~in that initiative measure, shall be submitted to the electors and,~~
15 ~~if approved by two-thirds of votes thereon, takes effect the day~~
16 ~~after the election unless the measure provides otherwise. If~~
17 ~~provisions of two or more measures approved at the same election~~
18 ~~conflict, those of the measure receiving the highest affirmative~~
19 ~~vote shall prevail.~~

20 That Section 1 of Article XVIII thereof is amended to read:

21 SECTION. 1. ~~The (a)~~ *Except as provided in subdivision (b),*
22 the Legislature by rollcall vote entered in the journal, two-thirds
23 of the membership of each house concurring, may propose an
24 amendment or revision of the Constitution and in the same manner
25 may amend or withdraw its proposal. Each amendment shall be
26 so prepared and submitted that it can be voted on separately.

27 *(b) The Legislature, by a bill passed by a majority of the*
28 *membership of each house and enacted into law pursuant to Article*
29 *IV, may propose an amendment to any provision of the Constitution*
30 *that was added or amended pursuant to Section 3, and in the same*
31 *manner may amend or withdraw its proposal.*